

FILED 06/09/10

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

ROBERT MANN,

O R D E R  
Civ. No. 09-1153-TC

Petitioner,

vs.

JOE DECAMP,

Respondent.

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AIKEN, Chief Judge:

Magistrate Judge Coffin filed his Findings and Recommendation on May 6, 2010. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b). When a party objects to any portion of the Magistrate's Findings and Recommendation, the district court must make a de novo determination of that portion of the Magistrate's report. 28

1 U.S.C. § 636(b)(1)(B); McDonnell Douglas Corp. v. Commodore  
2 Business Machines, 656 F.2d 1309, 1313 (9th Cir. 1981), cert.  
3 denied, 455 U.S. 920 (1982).

4 Petitioner has timely filed objections. I have, therefore,  
5 given the file of this case a de novo review. I ADOPT the  
6 Magistrate's Findings and Recommendation (doc. 25) that  
7 petitioner's Petition should be denied without prejudice, and  
8 therefore petitioner's Petition (doc. 2) is dismissed.

9 IT IS SO ORDERED.

10 Dated this 8 day of June 2010.

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15 Ann Aiken  
16 United States District Judge  
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